

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WALTER JOHNSON,)	
)	
Petitioner,)	
)	
vs.)	No. 4:15-CV-00281-AGF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORDANUM AND ORDER

This matter is before the Court on Petitioner's Renewed Motion for Discovery. (ECF No. 32.) In his motion, Petitioner again seeks the production of audio recordings of his communications with an undercover agent during a sting operation which led to criminal charges against Petitioner. On June 28, 2017, Respondent filed its Memorandum in Opposition, arguing that Petitioner is not entitled to discovery as a matter of course. *See Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Respondent also argues that Petitioner should be required to make arrangements with his case worker to obtain those discs from defense counsel.

On March 11, 2016, Petitioner's defense counsel made representations to Petitioner that defense counsel had copies of the discs requested and that he would send those discs to Petitioner if Petitioner provided some assurances that he could have them. (ECF No. 25.) Petitioner in his Renewed Motion for Discovery represented to the Court that if defense counsel sends the discs in the care of Petitioner's Unit Team (case

manager, counselor, or unit manager), the Unit Team would provide Petitioner with meaningful access to those materials. Therefore, the Court will order Petitioner's prior defense counsel to send to Petitioner's Unit Team the discs requested in Petitioner's Renewed Motion for Discovery.

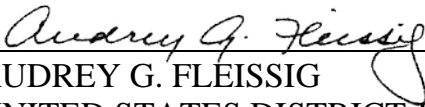
Nothing in this Order shall be construed as a finding by this Court that Petitioner has shown good cause to permit discovery under Rule 6. *See Rucker v. Norris*, 563 F.3d 766, 771 (8th Cir. 2009) ("The 'good cause' that authorizes discovery under Rule 6(a) requires a showing that the petitioner may, if the facts are fully developed, be able to demonstrate that he is ... entitled to [habeas] relief."). Further, this Order does not constitute a finding that Petitioner is entitled to a hearing or any discovery in this matter. Instead, the Court is simply permitting Petitioner to review the discovery made available to him and his defense counsel at his criminal trial.

Accordingly,

IT IS HEREBY ORDERED that within fourteen (14) days of this Order, Petitioner's defense counsel in the underlying criminal matter shall send the requested discs to Petitioner's Unit Team.

IT IS FURTHER ORDERED that a copy of this Order shall be delivered to Mr. Kevin Curran, 1010 Market Street, Suite 200, St. Louis, MO 63101.

Dated this 30th day of June, 2017.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE